

**BOARD OF PSYCHOLOGY**

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**BOARD OF PSYCHOLOGY**

Quarterly Board Meeting

Open Session Minutes

Cathedral Hill Hotel
Telegraph Hill A & B Conference Room
1101 Van Ness Avenue
San Francisco, CA 94109

Friday, February 7, 2003

The open session meeting was called to order by the President, Pamela Harmell, Ph.D. at 8:05 a.m. A quorum was present and due notice had been sent to all interested parties.

Present were:

Pamela Harmell, Ph.D., President
William L. Tan, Vice-President
Howard Adelman, Ph.D.
Mary Ellen Early
Jacqueline Horn, Ph.D.
Lisa Kalustian
Myra Scott Reifman
Ronald Ruff, Ph.D.
William Thomas, Ph.D.

Others Present:

Thomas O'Connor, Executive Officer
Laura Freedman, Legal Counsel
Jeffrey Thomas, Assistant Executive Officer
Kathy Bradbury, Administrative Services Coordinator
Kathi Burns, Enforcement Coordinator
Karen Johnson, Licensing/Examination Coordinator

Agenda Item #1 – Committee Meetings

The Credentials Committee, Examination Committee, Enforcement Committee, Legislation Committee, Consumer Education Committee, and Continuing Education Committee met to discuss and formulate recommendations to the Board.

Agenda Item #2 – CORNELL, Christopher, PsyD. – Hearing on Petition for Termination of Probation

Administrative Law Judge Michael C. Cohn presided. Deputy Attorney General David

Carr was present and represented the people of the State of California and Christopher Cornell, Ph.D. was present and represented himself.

Agenda Item #3 – FRAGA, Michael, PsyD – Hearing on Petition for Termination of Probation

Administrative Law Judge Michael C. Cohn presided. Deputy Attorney General David Carr was present and represented the people of the State of California and Michael Fraga, Ph.D. was present and was represented by Frederick J. Engebath, Esq.

Agenda Item #4 – LIGHT, Howard, Ph.D. – Hearing on Petition for Reinstatement of Revoked License

Administrative Law Judge Michael C. Cohn presided. Deputy Attorney General Brenda Reyes was present and represented the people of the State of California and Howard Light, Ph.D. was present and was represented by Martin L. Seeger, IV, Esq.

The Board adjourned into closed session from 10:40 a.m. to 10:45 a.m., from 11:40 a.m. to 11:45 a.m. and again from 1:40 p.m. to 3:30 p.m.

Saturday, February 8, 2003

The open session meeting was called to order by the President, Pamela Harmell, Ph.D. at 9:05 a.m. A quorum was present and due notice had been sent to all interested parties.

Present were:

Pamela Harmell, Ph.D., President
William L. Tan, Vice-President
Howard Adelman, Ph.D.
Mary Ellen Early
Jacqueline Horn, Ph.D.
Lisa Kalustian
Myra Scott Reifman
Ronald Ruff, Ph.D.
William Thomas, Ph.D.

Others Present:

Thomas O'Connor, Executive Officer
Laura Freedman, Legal Counsel
Jeffrey Thomas, Assistant Executive Officer
Kathy Bradbury, Administrative Services Coordinator
Kathi Burns, Enforcement Coordinator
Karen Johnson, Licensing/Examination Coordinator

Agenda Item #7 - Approval of November 15 & 16, 2002 Open Session Minutes

It was M/(Tan)/S(Thomas)/C to approve the November 15 & 16, 2002 open session minutes with minor corrections.

VOTE: 9 - 0

Agenda Item #8 - President's Report – Dr. Harmell

a. Strategic Plan

Dr. Harmell thanked the staff and board members for their hard work and effort on the Strategic Plan for 2003-2004. Mr. O'Connor noted that upon approval by the board, the Strategic Plan will be submitted to the Department of Consumer Affairs for approval. Once approved by the Department, it will be posted on the board's website and submitted to the Governor's office.

It was M/(Ruff)/S(Early)/C to approve the 2003-2004 Strategic Plan.

VOTE: 9 – 0

b. Other President's Informational Items

Dr. Harmell thanked all board members for the great job being done in their committee work.

Agenda Item #9 - Executive Officer's Report – Mr. O'Connor

a. Budget Update

Mr. O'Connor discussed the current fiscal situation of the state and the impact it may have on the operations of the board. He reported that an order is being issued to cut state travel and to request state agencies to reduce in-state travel by 25%. He stated that we will have to look at what our essential travel needs are, such as item writer workshops and board meetings. Mr. O'Connor also reported that state employees will be taking a five percent salary cut effective July 1 and that he will be taking his reduction in pay effective March 1.

Mr. O'Connor discussed the regulation amendment to allow candidates to pay the EPPP fee directly to PES rather than to the board. He stated that this amendment will become effective March 1, 2003. The examination fee that candidates will be required to pay PES will be reduced to \$500. Mr. O'Connor reported that, as a result of this change, the board has submitted a Spring Finance Letter to reduce the board's budget by approximately \$350,000 which was the amount of the contract with PES which will no longer be required.

Mr. O'Connor also reported that the BCP to transfer complaint processing from the Medical Board of California to the Board of Psychology was approved effective July 1, 2003. He stated that staff will be moving forth to obtain an exemption from the hiring freeze, and that the Medical Board has agreed to continue to provide these services until we get someone in the new position.

b. Staff Update

Mr. O'Connor reported that staffing is full and that there are no vacancies. He mentioned that the hiring freeze in general could cause a trickle down effect on the board due to the vacant positions and lack of sufficient staff in other agencies upon which the Board of Psychology relies, such as the Office of State Publishing, Office of Examination Resources, etc.

c. ASPPB 2003 Midwinter Meeting: 2/21 – 2/23 in San Antonio, TX

Mr. O'Connor reported the Out-of-State travel blanket was approved by the Governor and that he would be attending the ASPPB meeting later in the month.

d. Other Executive Officer Informational Items

Mr. O'Connor mentioned that he recently received and submitted his Conflict of Interest Form 700 and that board members are required to complete and return theirs to the Department of Consumer Affairs by April 1, 2003.

Agenda Item #10 - Legal Counsel's Report – Ms. Freedman

a. AG Opinion re: Prescribing of Drugs by Psychologists

Ms. Freedman reported on the Attorney General Opinion regarding the prescribing of drugs by psychologists. Ms. Freedman reported that the Attorney General found that it is not unconstitutional for psychologists to be prohibited from prescribing drugs. Additionally, she advised that a regulation cannot be adopted to allow psychologists to prescribe drugs since it would not be authorized by the Psychology Licensing Law.

b. Other Legal Counsel Informational Items

Ms. Freedman announced she is due to have a baby at the end of April. She will not be at the May board meeting but another DCA staff attorney will be present. She did assure the board that she would be back and wants to remain legal counsel for the Board of Psychology.

Agenda Item #11 - Regulation Update – Ms. Bradbury

a. CE Exception

Ms. Bradbury reported that the CE Exception rulemaking file was submitted to the Office of Administrative Law (OAL). However, the OAL staff attorney assigned to this file found some changes that needed to be made before the file could be approved. Due to these changes, a 15-day Notice of the Modified Text had to be issued. During the CE Committee Meeting on Friday, February 7th, the Continuing Education Committee made additional changes to the Modified Text, and Ms. Freedman submitted these new changes to the board for approval. She indicated that, if the board approved these additional changes in principle, another 15-day notice would need to be issued, and the board should delegate the authority to Mr. O'Connor to make any nonsubstantive changes and to adopt the regulations if no adverse comments are received during the comment period.

It was M/(Thomas)/S(Reifman)/C to adopt the changes to the Modified Text in principle.

VOTE: 9 – 0

It was M/(Tan)/S(Early)/C to delegate authority to Mr. O'Connor to make any nonsubstantive changes and to adopt the regulations if no adverse comments are received during the comment period.

VOTE: 9 – 0

b. EPPP Fee

Ms. Bradbury reported that this item was discussed during Mr. O'Connor's Executive Officer's report.

c. Disciplinary Guidelines

Ms. Bradbury reported that the final rulemaking file for the Disciplinary Guidelines regulations has been submitted to the Office of Administrative Law and is awaiting approval.

d. Requirements for Psychologists on Probation

Ms. Bradbury reported that the final rulemaking file for the Requirements for Psychologists on Probation regulations has been submitted to the Office of Administrative Law and is awaiting approval.

e. Draft Regulatory Language to Amend Section 1388.6 to Accept National Register

Ms. Bradbury deferred to Ms. Freedman who reported that this draft language is being submitted for the board's approval. Ms. Freedman proposed that nonsubstantive changes be made to streamline this section by eliminating repetitive phrases such as "pay all currently applicable fees," "meet all current licensing requirements," "take and pass the CJPEE," etc. from each subsection and break out these provisions in a single new subsection. Mr. O'Connor reminded the board that a regulation hearing will be held on the revised language in May.

It was M/(Early)/S(Kalustian)/C to delegate authority to Mr. O'Connor to make changes to the language of the proposed draft, keeping Ms. Freedman's concept as discussed.

VOTE: 9 – 0

f. Other Regulation Update Informational Items

None.

Agenda Item #12 - Continuing Education Report – Mr. Thomas

a. CE Compliance Statistics

Mr. Thomas presented the board with the continuing education non-compliance statistics for calendar year 2002.

b. Review Requests for Exception to Continuing Education Requirements

Mr. Thomas reported that there was one request for an exception to the continuing education requirements. However, upon review by the Continuing Education Committee, it was determined that further information was required for the committee to make a determination, therefore, the licensee will be asked to provide the necessary documentation, and this request will be reviewed again at the May board meeting.

c. Meeting with MCEP Accrediting Agency

At its quarterly meeting on November 16, 2002, the board instructed staff to meet with the MCEP Accrediting Agency (MCEPAA) to address concerns raised by John T. Kennedy on behalf of Prescribing Psychologists Register, Inc. (PPR). The board was presented a copy of a letter addressed to Mr. Kennedy from Mr. O'Connor dated January 16, 2003 in which Mr. O'Connor presented course approval statistics specific to PPR that were obtained as a result of the meeting with the MCEPAA. Mr. O'Connor stated in the letter that he was impressed with MCEPAA's efficiency in processing continuing education course applications.

Samuel Feldman, Ph.D., President of PPR, sent a letter to Mr. O'Connor dated January 29, 2003. In his letter, Dr. Feldman requested information regarding the next board meeting, inquired about the board's immediate planning regarding PPR's request for equal status with the board's other accepted providers, and requested a copy of the audio tapes of the last board meeting. Mr. O'Connor responded to Dr. Feldman in a letter dated February 3, 2003. In his letter, Mr. O'Connor provided the dates and location of the next board meeting, informed Mr. Feldman that the board does not currently have the authority to instruct the MCEPAA to give blanket approval of PPR courses, but anticipates that this issue will be resolved when the board has completed the process of establishing its Criteria for CE Course Blanket Approval, and informed him that copies of the audio tapes of the November 2002 meeting will be provided to him.

d. Draft Criteria re: Blanket Course Approval for a Provider

Dr. Adelman presented the draft Criteria for CE Course Blanket Approval. Ms. Freedman discussed some changes made to the draft language by the Continuing Education Committee.

It was M(Adelman)/S(Reifman)/C for staff to issue a Notice of Proposed Changes and have a regulation hearing on the revised draft language at the May board meeting.

VOTE: 9 – 0

e. Revised CE Exception Form

Mr. Thomas indicated that during the Continuing Education Committee meeting the prior day, additional changes to the CE Exception Form were identified. The changes will be made and brought back to the board at a future board meeting.

f. Other Continuing Education Update Informational Items

None.

Agenda Item #13 - Credentials Committee Report

a. January 18 Work Group on SPE

Dr. Horn stated that nine licensed psychologists participated in a work group on SPE on January 18, 2003. She reported that the group members were well prepared and thoughtful with their input. Mr. O'Connor stated that associations and other interested parties recommended the participating individuals to the board.

The board instructed staff to work with legal counsel to prepare draft regulatory language for the May meeting revising section 1387 of the California Code of Regulations to include submission of the supervision agreement prior to the commencement of supervised professional experience. The board also instructed staff to update the agreement form and verification of experience form and provide a draft for review at the May meeting.

b. Revised Alternative SPE Plan Form

Dr. Horn stated that some of the alternate SPE plans that have been submitted for review do not provide enough information for the Committee to make a decision. The Credentials Committee reviewed the SPE plan forms and made edits and additions that should help the applicants to provide adequate information for the Committee to make a decision.

The Committee instructed staff to make the edits/additions to the forms and present final drafts at the May board meeting.

c. Review Plans for Supervised Professional Experience in Psychological Research

Dr. Horn stated that the Committee reviewed five plans submitted by applicants wanting to accrue hours of supervised professional experience in the area of applied psychological research. The Committee recommended approval of four of the plans with the fifth plan needing further information before a decision can be rendered.

It was M(Credentials Committee)/C to approve four plans to accrue hours of supervised professional experience in the area of psychological research.

VOTE: 9 – 0

d. Review Plans for Supervised Professional Experience in Industrial/Organizational Psychology

Dr. Horn stated that the Committee reviewed and recommended approval of one plan to accrue supervised professional experience in industrial/organizational (I/O) psychology contingent upon the review by an I/O expert.

It was M(Credentials Committee)/C to approve the plan for supervised professional experience in the area of I/O psychology pending expert review.

VOTE: 9 – 0

e. Review Plans for Alternative Supervision

Dr. Horn stated that the Committee reviewed and recommended approval of one plan for alternative supervision in the area of applied psychological research.

It was M(Credentials Committee)/C to approve the plan for alternative supervised professional experience in the area of applied psychological research.

VOTE: 9 – 0

f. Other Credentials Informational Items

None

Agenda Item #14 - Examination Committee Report

a. CJPEE Development Workshops

Dr. Ruff stated that OER developed a schedule of workshops for examination development of the CJPEE and explained the different types of workshops necessary for this process.

Dr. Ruff commented that he recently observed a pass point workshop and that it was a tremendous, comprehensive process.

b. OER Examination Development Plan

Dr. Ruff reviewed the letter from Tracy Ferrel, Chief of the Office of Examination Resources (OER). He presented a preliminary four-step process that would evaluate the need to expand the CJPEE. The first step is to identify the content areas that are now being tested in the EPPP and CJPEE. The second step is to obtain a copy of the updated occupational analysis that covers the scope and practice of psychology and identifies important tasks and associated knowledge. The updated occupational analysis will be available in May 2003. The third step is to determine the overlap of areas that are not currently being tested in the EPPP and CJPEE. Dr. Ruff explained that focus groups should be organized to provide input on the overlap that is being covered and that is not being covered and to make suggestions to OER. Dr. Ruff also stated that it would be important to include input from licensees who are supervisors and those in educational institutions.

Dr. Ruff requested that staff present a formal process to evaluate the CJPEE to the Board at the May meeting and begin organizing focus groups to meet soon after the occupational analysis is available.

Dr. Adelman stated that it is important for these focus groups to keep in mind that the exam tests for minimal competency.

c. CJPEE On-line Scheduling

Ms. Johnson stated that Expor Assessments now offers an on-line system for applicant to schedule an appointment to take the CJPEE.

d. Other Examination Informational Items

None

Agenda Item #15 - Enforcement Committee Report

a. Enforcement Statistics

Ms. Early presented the enforcement statistics for the first half of fiscal year 2002/2003.

b. Complaint Disclosure Policy

Ms. Early presented the Draft Complaint Disclosure Policy and called for a motion to adopt

the document as the board's policy.

It was M(Tan)/S(Horn)/C to adopt the Draft Complaint Disclosure Policy.

c. Probation Program Orientation

Ms. Burns described the function of the board's probation monitoring program, including how certain terms and conditions of probation are monitored by board staff. She explained that currently each probationer is visited at the probationer's office at the beginning of their probationary period by board's staff. Ms. Early suggested that, given the directive from the Governor to reduce travel expenses, in the future, probationers may be required to travel to the Board's headquarters for their first meeting.

d. 2003 Expert Training @ CPA Convention

Ms. Early announced that the board is holding its Annual Expert Training in San Jose on April 4, 2003, during the CPA Convention. Board members wanting to attend were asked to notify staff.

Additionally, Mr. Thomas informed board members that a Board of Psychology booth will be located in the exhibit hall to provide general board information and to demonstrate the on-line license renewal process that is currently available on the board's website.

e. Other Enforcement Informational Items

None.

Agenda Item #16 - Legislation Committee Report

a. Implementing requirements of SB 564 (Speier)

Mr. O'Connor explained that SB 564 will require any applicant for licensure as a psychologist who began graduate study on or after Jan. 1, 2004 to complete a minimum of 15 contact hours of coursework in spousal or partner abuse assessment, detection, and intervention strategies. Additionally, this bill will require all licensees who began graduate study prior to January 1, 2004 to take a continuing education course in spousal or partner abuse assessment, detection, and intervention strategies for his or her first renewal after the effective date of this requirement. He further explained that this is a one-time renewal requirement for all licensees.

SB 564 did not define the length of the continuing education course therefore, the board discussed at length how to determine the criteria for the length of this continuing education course. Mr. Freedman referred the board to section 1397.60(c) of the California Code of Regulations which defines a course as an approved systematic learning experience of at least one hour in length. Therefore, she recommended that the hour requirement for this continuing education be based on this definition.

It was M(Adelman)/S(Horn)/C to not specify the number of hours required for this continuing education requirement, but rather rely on the definition of a course as at least one hour in length as defined in section 1397.60(c) of the California Code of Regulations.

VOTE: 7 – 2

b. Implementing requirements of SB 953 (Vasconcellos)

Dr. Thomas reported that SB 953 would require all new applicants who begin graduate study on or after January 1, 2004, to complete, as a condition of licensure, a minimum of 10 contact hours of coursework in aging and long-term care. Dr. Thomas also reported that SB 953 would require any licensee applying for renewal for the very first time after the effective date of January 1, 2005 to complete a 3 hour continuing education course in aging and long-term care.

Other Legislation Informational Items

A discussion progressed regarding continuing education mandates and related issues and how the board can best deal with them. This issue was deferred to the Continuing Education Committee.

Mr. O'Connor indicated that Dr. Thomas had inquired about who attends meetings of the Association of State and Provincial Psychology Boards (ASPPB). Dr. Thomas had expressed interest in attending the upcoming meetings.

It was M(Ruff)/S(Tan)/C to designate Dr. Thomas as a representative of the board to attend the upcoming ASPPB meeting.

VOTE: 9 – 0

Mr. O'Connor indicated that he would check with DCA and try to get approval for Dr. Thomas to attend the meeting.

Agenda Item #17 - Consumer Education Committee Report

a. Website Statistics

Mr. Thomas presented the board with the website statistics.

b. BOP Update 10

Mr. Thomas reported that the BOP Update 10 will be sent out in March.

c. Other Consumer Education Informational Items

None.

Agenda Item #18 – Public Comment

None.

William Lew Tan
President

Date